

DANIEL G. BOGDEN
United States Attorney
AMBER M. CRAIG
Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, Nevada 89101
PHONE: (702) 388-6336
FAX: (702) 388-6698

***UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA***

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES SCOTT ALVA,

Defendant.

2:14-cr-023-GMN-NJK

**STIPULATION TO CONTINUE
EVIDENTIARY HEARING**
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, counsel for the United States of America, and Robert Draskovich, Esq., counsel for Defendant James Alva, that the evidentiary hearing on Defendant's Motion to Suppress, currently scheduled for June 3, 2015, at 10:00 a.m., be vacated and continued for thirty days, or to a date to be set at the Court's convenience.

This stipulation is entered into for the following reasons:

1. The parties need additional time to subpoena witnesses and prepare for the evidentiary hearing.
2. The Defendant is in custody and does not object to the continuance.
3. For the reasons stated above, the ends of justice would best be served by a continuance of the evidentiary hearing.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

6. This is the first request for a continuance filed herein.

DATED this 2nd day of June, 2015.

DANIEL G. BOGDEN
United States Attorney

/s/ Robert Draskovich
ROBERT DRASKOVICH, ESQ.
Counsel for Defendant Alva

/s/ Amber M. Craig
AMBER M. CRAIG
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES SCOTT ALVA,

Defendant.

2:14-cr-023-GMN-NJK

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties need additional time to subpoena witnesses and prepare for the evidentiary hearing.]
2. The Defendant is in custody and does not object to the continuance.
3. For the reasons stated above, the ends of justice would best be served by a continuance of the evidentiary hearing.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely

1 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
2 within which to be able to effectively and thoroughly prepare for trial, taking into account the
3 exercise of due diligence.

4 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
5 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the evidentiary hearing on Defendant's Motion to
8 Suppress, currently scheduled for June 3, 2015, at 10:00 a.m., be vacated and continued to _____

9 _____ July 7 _____, 2015, at the hour of _ 10:00 a.m. in Courtroom 3B.

10 DATED this 2nd day of _____ June _____, 2015.

11
12 
13 _____
14 HONORABLE NANCY J. KOPPE
15 UNITED STATES MAGISTRATE JUDGE
16
17
18
19
20
21
22
23
24